

**BOARD OF COMMISSIONERS' MEETING**  
**MEETING MINUTES**  
**June 15, 2021**  
**7:00 P.M.**  
**CHERRY VALLEY & ROCHDALE WATER DISTRICT**

- I. CALL TO ORDER - The meeting was called to order by Chairman Bergin @ 7:00 P.M.

The following were in attendance:

Kevin Bergin, Chairman	6 – Subscribers LCAC
Arthur E.J. Levesque, Commissioner	
Benjamin Morris, Superintendent	
Robert H. Lemieux, Sr., Commissioner	
Jennifer Wood, Treasurer - Absent	
Cheryl Balkus, Clerk - Absent	

- II. **District Member Forum** – Per Commissioner Lemieux social media is a buzz about the town getting money and being appropriated. There was a selectman meeting last evening and he not knowing firsthand that money was allocated to Moose hill and this has not been confirmed. The town is to receive 3.3 million in stimulus money. The money can be used for infrastructure of water and sewer developments, and we want to be part of this for both districts and get a fair share of this. He learned of this today that it is marked to be received over the next two years and will need to ask for help from the Selectboard. Per Chairman Bergin he did not see the meeting but affirmed money coming into the town. Weston & Sampson will be having another meeting in July. If there is a pipe in the ground to connect us the money can be applied but merging the money may not necessarily be able to be used. We did apply for a grant that may be able to pay for the Grindestone Well. We have a wish list of things to do and identified what is to be done. Unsure if other Districts have the same. Per Commissioner Lemieux put money towards the existing system and the people who are hurting the most before putting money to Moose hill and put towards what is now. Moose hill was started years and years ago and to take some of the money now to go towards it he does not agree. Per Chairman Bergin the Town Administrator and Select Board is going to have to figure out how to disperse the money. The Board of Selectmen is aware of the issues and people need to be vocal. Per Subscriber Steve Pawlowskis was at the meeting. The item was on the Select Board agenda, and nothing was awarded. They were discussing only of where it can and cannot be spent as far as the water and sewer districts, giving to disadvantage business and broadband. He did not think it would be towards broadband and more geared towards the water and sewer districts and may get pressure to do projects such as storm water management. Money will not be given in one lump sum; half will come this year with the balance the following year and it cannot go towards debt. Commissioner Lemieux wanted to make people aware, telling others and by spreading the word we may need all subscribers to attend meetings or contact the Select Board. It is important to let it be known what is to come to those in attendance of the meeting and those in the listening audience.

Subscriber Peter Cusolito asked if he knew if there was something on the town web site of what the requirements were. Per Steve Pawlowskis he did not believe that there was and advised he could contact the Town Administrator for a copy of requirements. Per Chairman Bergin believes that the Town Administrator said that the money was coming direct from the feds. Per subscriber Buteau the Town Administrator made it clear it was a general discussion with the do's & don'ts of the act, that he will be having a subsequent meeting with sewer and water to see what they want to do, and it was also for storm water. When he establishes it is suggested to meet with what the priorities are for the water and sewer districts. The control rests with the town.

Per Chairman Bergin has an issue with what was stated by Mr. Pawlowskis at the selectman meeting. It came down to people voting with the one bill one vote and that the legislature did not shoot it down, but that the commissioners shot it down. **This is** for everyone that this was a citizen's petition presented to the Board and was moved through by the Board. There was a meeting if this should be presented, and the Commissioners decided it is a citizen's petition and it was up to subscribers. It was disingenuous to shoot down to the commissioners and brought it back to the voters. Per Steve Pawlowskis to be clear what he said and trying to accomplish another a subscriber had spoken, she was angry, and we really do not own our district and that the statehouse shot it down. Mr. Pawlowskis was that the statehouse lawyers rejected based on our existing by laws of Leicester water supply by laws and many other communities. A registered voter of the town within the boundaries of the district and his interpretation that the statehouse had a problem.

When it came back from the statehouse and would not accept the change in enabling acts. It was turned into a monetary issue to have legal to rewrite it and it was not to go forward it was do you want to vote on \$3,000. Per Chairman Bergin there is going to be cost, we do not know if it is going to come back and forth and to what extent. The ratepayers needed to know there are going to be added costs. It was not just we were voting down \$3,000 or we are but the rate payers had the right to know that there is going to be money associated with it. Per Mr. Pawlowskis unfortunately meetings have a low turnout and all they hear is what they hear. From a subscriber's perspective it was frustrating that it turned into a monetary issue.

Per Commissioner Lemieux he is the one who monetized it and at a meeting it was discussed and not a flat-out rejection. When dealing with attorneys you could be opening to certain liabilities. We had to try to decipher what they were to tell us to come up with a plan. As a subscriber he thought it was a good idea but does not want to go into that rabbit hole spending a lot of money. The basis to monetize is how many people will be affected by this and not get anything out of it. I would not want to spend the subscriber's money without the subscribers knowing and the other commissioners said let us leave it up to the subscribers. Our first good faith attempt trying to word smith it in a way to achieve and was very difficult. A subscriber gave language but, in the end, we cannot accept the way it is and can be exposed to xyz... he did not want to spend anymore at that point and the other board members said to let the subscribers decide and at a minimum it would \$3,000 to keep that ball rolling.

Per Mr. Pawlowskis one of our subscribers who is not in the meeting left the annual meeting upset, and he is sticking up for her as a person, character, and leadership. It was not taken as a personal attack it was more of a tactic or political maneuver than working with the subscribers to do with what they want. Per the Chairman we are going to revisit, accepts the statement and not taken personal. Per the chairman the forum has extended the allowed 30 minutes. The District Member Forum ended at 41 minutes 12 seconds.

### **III. APPROVE MINUTES**

- A. June 1, 2021 Meeting Minutes** – Commissioner Lemieux motioned to approve the minutes of June 1, 2021, Meeting Minutes. Seconded by Commissioner Levesque All in Favor. Approved.

### **IV. FINANCE**

- A. Approve June 7, 2021 Warrants** – Commissioner Levesque motions to approve the June 7, 2021 warrants. Seconded by Chairman Bergin. All in favor. Approved.
- B. Approve June 14, 2021 Warrants-** Commissioner Lemieux motions to approve the June 14, 2021 warrants. Seconded by Chairman Bergin. All in Favor. Approved.

Total amount \$29,859.47.

- V. ADMINISTRATION** – Nothing to report

### **VI. Operations**

#### **A. Superintendent's Report –**

Per Superintendent Morris the grant was submitted in time for \$400,000 for the Well. He received an email receipt from the Town Administrator. The timeline is early fall. There are 4-5 in from the town, and we may all get or not.

Tata & Howard working with MA DEP of design specs of the well with minor items and awaiting approval process. We are still doing the inhouse work. A company is coming in to evaluate the uranium. Our name goes on it and does not want it to come back on us. We are trying what media will be the best to use of the vessels. Sampling done where our baseline is for arsenic, uranium to start the process for when it comes time for the rest of the project go out to bid it should be able to come on quickly.

Sargent Street is something would be crucial for the system to consider once we get more information from the town of what will be available for funds.

### **VII. Communications –**

#### **A. 5-25-2021 Customer Request: Cusolito –**

Letter regarding annual meeting change enabling acts.

Per Chairman Bergin the enabling acts outline and were established by the legislature and outline who is the eligible voter. Per Mr. Cusolito they do not

establish what is an eligible voter. Mass general law trumps lower documents. Mass general law defines who the voter is in the district. He was not part of the petition and needed to get more information. Based on what the attorney wrote his email may have said objective is good but working at the wrong goal. November of 2019 we have what was submitted to the legislature and it came from the subscribers and word smith it and we rec'd a 2 ½ page response that does quote case law and is very confusing and had our attorney look at it to make heads of tales of it. Per Chairman Bergin there needs to be a decision to make it more narrow to McGlenn's reference and we can try to figure it out but cannot speak to it as he is not an attorney. Part of the framework came to us and out of his depth. The initial draft came from an attorney who is not representing the district. We did send it to our district legal counsel and worked on it for a while. We were advised to what we need to do, communicate it to the subscribers to submit. Per Mr. Cusolito he understands commissioners did what they could do, and that the attorney did not do his job. Per Commissioner Lemieux how do we verify that, do we need to hire another attorney and will cost more money to the subscribers? After speaking about this it appears that we did go down the wrong path. Per Mr. Cusolito suggests that we need to provide supporting documentation if something is on an agenda or at the annual meeting. He is not for expanding the vote.

Commissioner Lemieux this is part of his frustration of who they are as an entity, and it seems like we are a little of everything and cannot get a definitive answer. It is very frustrating and we as a body need to figure out who we are. How to keep fostering them and run into these situations and it turns out we are going at it the other way. Per Mr. Cusolito he wrote in September to the Attorney General and to date has not received any response from her.

Per Commissioner Lemieux are we going to go to legal counsel as to what we can put out to the public. Per Chairman Bergin and the Superintendent agree

**B. 6-9-2021 Customer Request: Ukleja**

Commissioner Lemieux motions to deny her appeal. Chairman Bergin in favor of at least a partial reduction. Per Commissioner Lemieux as a real estate investor and landlord he knows what his bills are and what they cost him per month and as an individual that they know that a zero read is not accurate, and it is their responsibility to follow up on it. Doing nothing and waiting and then disagreeing when they get a bill. He stands by his motion to reject he appeal. They acknowledge that they received a bill, and the burden should not fall on the district staff.

Commissioners Levesque and Lemieux motion to deny the appeal. Motion is passed to deny the appeal.

**VIII. PERSONNEL –**

**A. Employee Update – C LeBlanc**

Per Superintendent Morris Christian has passed next level of testing to advance in the \$1.00 per hour increase. Commissioner Lemieux motions to approve \$1.00 per hour increase. Commissioner Levesque seconds. All in favor. Approved.

**IX. DATE OF NEXT MEETING**

**A. Approval of Next Meeting** - Commissioner Levesque motioned to hold the next Meeting at the Town of Leicester Town Hall Tuesday, July 6, 2021 @ 7:00 PM. Seconded by Chairman Bergin. All in favor. Approved.

**X. ADJOURNMENT**- Commissioner Lemieux motioned to adjourn the meeting. Seconded by Chairman Bergin. All in Favor. Approved. Meeting adjourned at 8:54 P.M.

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